

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

DEVIN GARRETT,

Petitioner, : Case No. 3:19-cv-191

- vs -

District Judge Walter H. Rice  
Magistrate Judge Michael R. Merz

Warden,  
Toledo Correctional Institution,

Respondent.

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**ORDER GRANTING EXTENSION OF TIME**

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This is a habeas corpus case brought *pro se* by petitioner Devin Garrett to obtain relief from his conviction in the Montgomery County Court of Common Pleas on charges of aggravated robbery and felonious assault with firearm specifications.

On July 15, 2019, the Court received a request for extension of time (ECF No. 3) which appeared to have been deposited in the prison mail system on July 12, 2019, the day after objections were due. On that basis the request for extension was denied. However, upon further inspection, the Magistrate Judge finds the request was sworn to on July 10, 2019, the day before the deadline. Giving the Petitioner the benefit of the doubt as to when he deposited the request in the prison mail system, the Magistrate Judge WITHDRAWS the prior denial of extension and GRANTS Petitioner an extension of time to and including September 1, 2019, to file objections to

the Report and Recommendations.

August 9, 2019.

s/ *Michael R. Merz*  
United States Magistrate Judge